

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

R.G., an Infant by her Mother and Natural Guardian,  
AMINA GARNER, and AMINA GARNER,  
Individually,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 04/29/2022

No. 19 Civ. 11151 (ALC)

**STIPULATION AND ORDER OF  
SETTLEMENT AND DISMISSAL**

MEMO ENDORSED

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs R.G., an infant by her mother and Natural Guardian, Amina Garner, and Amina Garner, Individually (“Plaintiffs”), and Defendant the United States of America (“United States” or “Defendant,” and together with Plaintiffs, the “Parties”) that the above-captioned action (the “Action”) shall be resolved as follows:

1. This Action is hereby dismissed with prejudice, and without interest, costs, expenses, disbursements, or fees to any party.
2. This Stipulation and Order shall not constitute an admission of liability or fault on the part of the United States, or any of its present or former departments, agencies, agents, officials, or employees. This Stipulation and Order is entered into by the Parties for the purposes of compromising disputed claims and avoiding the expenses and risks of further litigation.
3. The United States hereby agrees to pay Plaintiffs the total sum of three hundred thousand dollars (\$300,000.00) (the “Settlement Amount”). The Settlement Amount is inclusive of all costs or attorneys’ fees of any kind, in accordance with 28 U.S.C. § 2678, and any and all liens and fees are to be satisfied by Plaintiffs out of the Settlement Amount and not in addition

thereto. Pursuant to 28 U.S.C. § 2678, counsel for Plaintiffs may not charge, demand, receive, or collect fees amounting to greater than 25% of the Settlement Amount.

4. Plaintiffs stipulate and agree to accept the Settlement Amount in full settlement, satisfaction, and release of any and all claims, demands, rights, and causes of action that they and their heirs, executors, successors in interest, administrators, or assigns may have or hereafter acquire against the United States, or any of its present or former departments, agencies, agents, officials, or employees, arising from or related to the alleged facts, events, and circumstances giving rise to this Action, and any claims incident thereto. Plaintiffs hereby expressly release and forever discharge the United States, including its present or former departments, agencies, agents, officials, or employees, from any and all claims and liability arising directly or indirectly from the alleged facts, events, and circumstances giving rise to this Action, and any claims incident thereto.

5. Plaintiffs understand that taxes will not be withheld from the Settlement Amount. Plaintiffs represent and warrant that they shall assume all responsibility for, and shall protect, indemnify, defend, and hold harmless the United States, including its present or former departments, agencies, agents, officials, or employees, from and against any and all claims, losses, liens, damages, liability, suits, actions, judgments, costs, penalties, and expenses resulting from any liability or claim of liability for any amounts assessed by or due to any federal, state, or local government or agency thereof, including but not limited to, workers' compensation liens, medical liens, and federal, state, and local taxes owed in connection with the payment of the Settlement Amount to Plaintiffs.

6. Plaintiffs further agree to protect, indemnify, defend, and hold harmless the United States, including its present or former departments, agencies, agents, officials, or employees, from any and all causes of action, claims, rights, or subrogated interests arising directly or indirectly

from the facts, events, and circumstances giving rise to this Action, and any claims incident thereto, including any claims arising from the assignment of claims or liens upon the Settlement Amount.

7. This Stipulation and Order shall be binding upon and inure to the benefit of the parties and their principals, agents, representatives, heirs, successors, and assigns. The persons signing this Stipulation and Order warrant and represent that they possess full authority to bind the persons on whose behalf they are signing to the terms of the Stipulation and Order.

8. Payment of the Settlement Amount shall be made to Plaintiffs only after execution by the Parties and entry by the Court of this Stipulation and Order. If not approved and entered by the Court, this Stipulation and Order shall be null and void, with no force or effect.

9. Within ten (10) business days after the attorney of record for the United States receives (i) this Stipulation signed by Plaintiffs' counsel; (ii) entry by the Court of this Stipulation and signed Order; and (iii) the information from Plaintiffs' counsel required by the Department of Health and Human Services ("HHS") to process payment, counsel for the United States will send a request to HHS requesting that the sum of three hundred thousand dollars (\$300,000.00) be made by check or electronic funds transfer/deposit payable to Sanocki Newman & Turret, LLP, as attorneys for Plaintiffs.


10. This Stipulation is subject to there being sufficient funds in the account established pursuant to 42 U.S.C. § 233(k) to pay the Settlement Amount in its entirety.

11. The Parties understand and agree that this Stipulation contains the entire agreement between them and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the Parties or their counsel that are not included herein shall be of any force or effect.

12. It is contemplated that this Stipulation and Order may be executed in several counterparts, with a separate signature page for each party. All such counterparts and signature pages, together, shall be deemed to be one document.

Dated: New York, New York  
April 8, 2022

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendant*

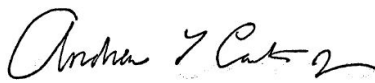
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Dated: New York, New York  
April 8, 2022

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SO ORDERED:

  
HON. ANDREW L. CARTER, JR.  
United States District Judge

Dated: April 29, 2022